

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of California

VBCONVERSIONS, LLC, A California Limited
Liability Company

Plaintiff(s)

v.

EXIDA.COM LLC

(see attached)

Defendant(s)

Civil Action No. 2:13-cv-08306-PSG-JEMx

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Counterclaim Defendants

Hitek Software, LLC
98 Manchester Place
Goleta, CA 93117

Melvin DeSilva
5423 Throne Ct.
Santa Barbara, CA 93111

David Crook
1428 Second Street, Suite 100
Santa Monica, CA 90401

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

M. Kelly Tillery, Esquire
Pepper Hamilton LLP
3000 Two Logan Square
Philadelphia, PA 19103

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 2:13-cv-08306-PSG-JEMx

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

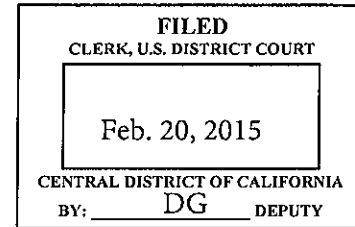
Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

1 Donald M. Gindy (SBN #45228)
2 Jonathan C. Balfus (SBN #155532)
3 **LAW OFFICES OF DONALD M. GINDY**
4 1925 Century Park East, Suite 650
5 Los Angeles, CA 90067
6 Tel: 424.284.3123
7 Email: don@gindylaw.com



7 Attorney for Plaintiff,
8 VBConversions LLC

9
10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

12 VBCONVERSIONS LLC, A California
13 Limited Liability Company,

14 Plaintiff,

15 vs.

16
17 EXIDA.COM LLC, a Pennsylvania
18 limited liability company aka EXIDA
19 LLC and EXIDA; JOHN
20 CHRISTMAN, an individual; DOES 1-
21 10, inclusive,

22 Defendants.

CASE NO. 13-CV-8306PSG(JEMx)

[Assigned to Hon. Phillip S. Gutierrez]

FOURTH AMENDED COMPLAINT

1. COPYRIGHT INFRINGEMENT;
2. CONTRIBUTORY COPYRIGHT INFRINGEMENT;
3. VICARIOUS COPYRIGHT INFRINGEMENT;
4. VIOLATION OF THE DIGITAL MILLENNIUM COPYRIGHT ACT, AT §1201(a);
5. REQUEST FOR INJUNCTIVE RELIEF;

DEMAND FOR JURY TRIAL

23
24
25
26
27 COMES now, Plaintiff, VBConversions LLC, a California limited liability
28

Jeffrey M. Goldman (SBN 233840)
PEPPER HAMILTON LLP
 4 Park Plaza, Suite 1200
 Irvine, CA 92614-5955
 Tel.: 949.567.3500
 Fax: 949.863.0151
 Email: goldmanj@pepperlaw.com

and

M. Kelly Tillery (admitted *pro hac vice*)
 Megan M. Kearney (admitted *pro hac vice*)
PEPPER HAMILTON LLP
 3000 Two Logan Square
 Eighteenth and Arch Streets
 Philadelphia, PA 19103-2799
 Tel: 215.981.4000
 Fax: 215.981.4750
 Email: tilleryk@pepperlaw.com
 Email: kearneym@pepperlaw.com

*Attorneys for Defendants/Counterclaim
 Plaintiffs,
 EXIDA.COM, LLC and JOHN CHRISTMAN*

VBCONVERSIONS, LLC,
 Plaintiff,

v.
 EXIDA.COM, LLC and JOHN
 CHRISTMAN,
 Defendants.

EXIDA.COM, LLC and JOHN
 CHRISTMAN,
 Counterclaimants,

v.
 VBCONVERSIONS, LLC, DAVID
 A. CROOK, HITEK SOFTWARE,
 LLC AND MELVIN DESILVA,
 Counterdefendants.

CIVIL ACTION NO. 2:13-cv-08306-
 PSG-JEMx
 United States District Judge Philip S.
 Gutierrez
 Magistrate Judge John E. McDermott
**ANSWER, AFFIRMATIVE
 DEFENSES AND
 COUNTERCLAIMS OF
 DEFENDANTS/COUNTERCLAIM
 PLAINTIFFS, EXIDA.COM, LLC
 AND JOHN CHRISTMAN, IN
 RESPONSE TO FOURTH
 AMENDED COMPLAINT
 Jury Trial Demanded**

Defendants/Counterclaim Plaintiffs, Exida.com, LLC (“Exida”) and John
 Christman (“Christman”), by and through their attorneys, answer the Fourth
 Amended Complaint (“FAC”), as follows: